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Attorneys for Plaintiffs Hector Riojas and St. Mary's Center

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO/OAKLAND DIVISION

STIPULATION

Pursuant to Federal Rule 41(a)(1)(A)(ii) and Local Rules 6-1(b) and 16-2, Plaintiffs Hector Riojas and St. Mary's Center, by and through their attorneys of record, Defendants United States Department of Agriculture and Tom Vilsack, Secretary, United States Department of Agriculture (the "Federal Defendants"), by and through their attorneys of record, and Defendant Will Lightbourne, Director, California Department of Social Services, by his attorneys of record (collectively, the "Parties"), stipulate and agree to (a) the voluntary dismissal by Plaintiff Saint Mary's Center from this action; (b) set a date for Federal Defendants to Answer; and (c) set dates for the Case Management Statement and Initial Case Management Conference after the parties have Answered.

Counsel for the Parties have conferred on these matters and hereby stipulate and agree as follows:

1. Pursuant to Federal Rule of Civil Procedure Rule 41(a)(1)(A)(ii), Plaintiff St. Mary's Center voluntarily dismisses its claims with prejudice. Pursuant to Rule 41(a)(1)(A) this stipulation of dismissal is effective without a court order as it is signed by all parties who have appeared. Each party shall each bear its own fees and costs as to St. Mary's Center's claims.
2. As Plaintiff St. Mary's Center now voluntarily dismisses its claims, good cause exists to vacate the schedules for briefing and hearing the Motion to Dismiss and setting Rule 26 (f) Conference dates, previously approved by this Court on October 21, 2015 [Document 28].
3. The parties previously agreed, and this Court previously approved, that two weeks after an Order on the Federal Defendants' Motion to Dismiss, the parties would meet and confer pursuant to Fed. R. Civ. Proc. 26(f); three weeks after the Order the parties would file a Rule 26(f) Report and Joint Case Management Statement; and four weeks after the Court's Order there would be held an Initial Case Management Conference.

4. In light of the dismissal of Plaintiff St. Mary's Center, the Parties have agreed to, and request that the Court approve the below schedule in this case:

- a. The Federal Defendants shall file an Answer to the Complaint on or before January 8, 2016.
- b. The parties shall meet and confer pursuant to Fed. R. Civ. Proc. 26(f) no later than February 3, 2016.
- c. The parties shall file their Rule 26(f) Report and Joint Case Management Statement no later than February 10, 2016, which shall include a proposed schedule for Defendants to file any administrative record, and a summary judgment schedule for all Parties.¹
- d. The Initial Case Management Conference shall be held on February 17, 2016 at 2 p.m.

5. Accordingly, the Parties respectfully request that the Court:

- a. give effect to Plaintiff Saint Mary's Center's Voluntary Stipulation of Dismissal with prejudice; and
- b. approve the above schedule for the Federal Defendants' Answer, Parties' Rule 26(f) Report, Case Management Statement, and Initial Case Management Conference.

DATED: December 15, 2015

Respectfully submitted,

/s/ Elise Stokes
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Legal Services of Northern California

¹ If, and to the extent Local Rule 16-5 applies to his case, the parties agree that the proposed schedule should defer any deadlines for Defendants to file an administrative record, and summary judgment deadlines, pending the case management statement and initial case management conference.

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[PROPOSED] ORDER

Pursuant to stipulation and good cause appearing, the Court orders as follows:

1. The October 21, 2015 order setting a briefing schedule and hearing on the Federal Defendant's Motion to Dismiss Plaintiff St. Mary's, ECF No. 28, is vacated.
2. The parties shall meet and confer pursuant to Fed. R. Civ. Proc. 26(f) no later than February 3, 2016.
3. The parties shall file their Rule 26(f) Report and Joint Case Management Statement, which shall include a proposed schedule for Defendants to file any administrative record, and a summary judgment schedule for all Parties no later than February 10, 2016.
4. The Initial Case Management Conference is set for February 17, 2016 at 2 p.m.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: December 16, 2015

